



**DEPARTMENT OF FORESTRY AND FIRE PROTECTION
OFFICE OF THE STATE FIRE MARSHAL
FIRE ENGINEERING DIVISION**

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**OFFICE OF THE STATE FIRE MARSHAL
Automatic Extinguishing Systems Advisory Committee
Meeting Minutes
July 22, 2015
Fresno Fire Department, Fresno**

COMMITTEE GOAL

To provide a means of communications between the Offices of the State Fire Marshal (OSFM), representatives of industry, the public and the fire service; and to seek comments and specific views on proposed regulations and intended future action.

STAFF

Jeff Schwartz, Committee Chair
James Parsegian, Division Supervisor, Fire Engineering
Vikkie Raby, Support Staff, Fire Engineering

MEMBERS PRESENT

*Darryll Bolden, Los Angeles City Fire Department
*Fred Benn III, Advanced Automatic Sprinkler, Inc.
Darrell Hefley, Jorgensen & Co.
James McLaughlin, Lund Pearson McLaughlin
Allen Quirk, Paraclete Fire & Safety, Inc.
*Jack Thacker, Allan Automatic Sprinkler Corp.
*Bruce Lecair, National Fire Sprinkler Association
*Randy Dysart, CALSAFE c/o Jorgensen & Co.
Lawrence Shulman, Pacific Gas & Electric
*Edie Wade, Brooks Equipment Company
Stanley Smith, Sprinkler Fitters & Apprentices
Randy Roxson, Sprinkler Fitters Association of California
*James Feld, University of California Berkeley
*Robert Nolan, Anaheim Fire Department
James Carver, El Segundo Fire Department
* Brian Weidman, Long Beach Fire Department
* Robert Rowe, Fire Sprinkler Advisory Board
Tom McKinnon, California American Fire Sprinkler
**via conference call*

MEMBERS ABSENT

Robert Raymer, c/o California Building Industry
Vahid Toosi, Orange County Fire Authority

MEMBERS ABSENT (cont'd)

Chris Heyer, Beverly Hills Fire Department
Craig Voelkert, Amerex Corporation
Ken Liming, Insurance Services Office, Inc.
Tracy Staiger, City of Merced Fire Department

GUESTS IN ATTENDANCE

Steve Fox, (ALTERNATE) Sprinkler Fitters & Apprentices
Chip Lindley, Lindley Fire Protection
*Scott Harrison, Flameguard
*Laura Blaul, SFM Designated Chair for AES Certification Workgroup
*Todd Golden, Sprinkler Fitters Local 709
*Chris Bohon,
*Jose Colin, Woodland Fire Department
Wayne Weisz, Cen-Cal Fire Protection
*Patrick Chew, Roseville Fire Department

MEETING CALLED TO ORDER

Meeting was called to order by Chairperson Jeff Schwartz at 10:00 A.M. on July 22, 2015.

OLD BUSINESS

There was no old business presented at this time.

NEW BUSINESS

The AES Certification Regulations Package was presented to the group for review and vote. It was decided that each individual section with amendments will be reviewed and voted on.

Section 926—F. Benn proposed that this section be changed to “no limit to the number of people they can supervise”. J. Schwartz suggested the group follow the document in order and make proposed changes at the time that section is reviewed.

Section 922—S. Smith made a motion to approve the change as written; J. McLaughlin second; 11 yes, 5 no; motion carried by majority vote.

Section 923—T. McKinnon feels “private fire service mains and fire hydrants” should be added. J. Carver stated that the language as amended currently exists covers this. J. McLaughlin feels adding hydrants will clarify the section. T. McKinnon motion to approve as amended; J. McLaughlin second; 15 yes, 1 abstain; motion carried by majority vote.

Section 924(a)—F. Benn has a problem with the entire definition, particularly the “currently enrolled in a California State of Federally approved program”. He stated that to be in a California program, you must pay wages starting with a first class apprentice and then a pay raise for apprentices up to class 10. For federal programs, you must register the program with the government and wait for federal approval and then register each individual with the government and track wages to ensure they are paid in accordance with the government guidelines on percentage vs. standard pay. He states this will result in the need for an additional person in his business just to monitor the apprenticeship program.

He states this is not cost-effective for small businesses. He proposes alternative language of “currently enrolled in an apprenticeship program” and remove the “California State or federally approved”. J. Schwartz stated that the reason the group went with the language chosen was because of reciprocity requirements. After discussion is completed, R. Roxson motion to approve as written; S. Smith second; 13 yes, 1 no, 1 abstain; motion carried by majority vote.

L. Shulman stated that he would like to make a motion to only review proposed amendments and not all sections of the entire document. R. Roxson agrees that the comments being offered for more proposed changes should be submitted during public comments period rather than being discussed now. T. McKinnon feels the discussion for additional amendments is necessary. A vote was taken for discussing only the proposed changes in the document. L. Shulman motion; R. Roxson second; 6 yes, 11 no; motion failed.

Section 924(b)—R. Roxson motion to approve as written; L. Shulman second; 16 yes, 1 abstain; motion carried by majority vote.

Section 924.1(a)—F. Benn asked for clarification. In reading this, he feels the Scope of the entire regulation changed and is allowing a general contractor, plumbing contractor or pipeline contractors to install fire sprinklers. J. Carver asked if this was included to tie in the underground requirements. It was confirmed by R. Roxson that this was the intent. T. McKinnon stated this section requires additional work. S. Smith feels the language defines the contractor more than the sprinkler installer. J. Carver agrees that it needs to specify that those contractors are for underground installations only. T. McKinnon feels the group needs to remove General Engineering contractor, plumbing contractor and Pipeline contractors. T. McKinnon motion to approve as amended; J. McLaughlin second; 14 yes, 1 no, 2 abstain; motion carried by majority vote.

Section 924.1(b)—F. Benn has a concern about the heading for this section, as there are multiple definitions of Certified sprinkler fitter, fire sprinkler certification, etc. T. McKinnon thought “commercial certification” was removed and this was to define that a commercial certified fitter could do both commercial and residential. J. Carver pointed out that residential is addressed in 924.6. J. Carver motion to approve as written; A. Quirk second; 15 yes, 1 no, 1 abstain; motion carried by majority vote.

Section 924.3(a)—J. Carver suggests “license” be changed to “licensee”. D. Hefley thinks that the definition is limited. He would like to know where the legacy exception fits in. Legacy language will be included in 924.5 “journeyman”, adding “or individuals previously certified through other provisions of this Chapter”. J. McLaughlin motion to accept as amended; J. Carver second; 17 yes, 1 abstain; motion carried by majority vote.

Section 924.6(b)—T. McKinnon motion to add “and residential occupancies and attached accessory spaces”. This change was then amended to remove the word “attached”. F. Benn asked what a parking structure in a podium apartment structure would be considered. J. Carver stated the code does not consider a parking structure an accessory space. It is considered a separate occupancy. T. McKinnon suggested the language “light hazard occupancies and small ordinary hazard accessory spaces” be added. The motion was then amended to add “multi-family residential occupancies as defined in Title 24, California Building Code”. F. Benn stated his understanding is that there is a higher level of training required to protect cars than there is to protect the people.

J. Schwartz stated it only stipulates that you must be certified if you're putting in a residential system; it requires a certain number of training hours. F. Benn asked for clarification: the commercial contractor can install residential systems, but a residential contractor requires more training before they can do commercial installs. This was confirmed by the group. F. Benn felt that this was stating that the cars are more important than the safety of the people. T. McKinnon stated this addresses the complexity of the work, not what you're protecting. F. Benn asked that the minutes reflect his attempt to discuss the commercial vs. residential occupancies. T. McKinnon accepts the amendments. T. McKinnon motion to approve as amended; J. Carver second; 14 yes, 1 no, 3 abstain; motion carried by majority vote.

J. Parsegian shared information from Chief Tonya Hoover. She asked that he remind everyone of the advisory committee process. The committee is here to make recommendations to the State Fire Marshal. Members can speak on behalf of their represented entities, but they may not speak for the State Fire Marshal or the State Fire Marshal's Office. All input and opinions are taken into careful consideration, but the final decision will be made by the State Fire Marshal.

Section 924.7—D. Hefley motion to accept as written. D. Hefley amended motion to change "a" to "an" in front of "apprentice". J. McLaughlin second; 17 yes, 1 abstain; motion carried by majority vote.

Section 924.8—D. Hefley motion to accept as written; L. Shulman second. T. McKinnon suggested changing "on" to "at" following "fire protection systems". D. Hefley approves the amendment; L. Shulman approves the amendment; D. Hefley motion to approve as amended; L. Shulman second; 17 yes, 1 abstain; motion carried by majority vote.

Section 925—F. Benn had a concern with the wording in this section pertaining to the certification. He feels it states that as a trainee you cannot engage in an installation without first having obtained a certification card. He feels this is in contradiction to Section 938(b) which allows them to work up to 90 days from date of hire before they are registered. J. Feld agrees that the 90-day allowance should be noted in Section 925 as well. S. Smith suggested that Section 938 be referenced in Section 925. F. Benn agreed this would address his concern. S. Smith suggested removing "or trainee" from subsection (a) and adding "a trainee shall become registered in accordance Section 938 of this chapter." T. McKinnon asked if a paper confirmation/temporary could be issued after receipt of registration application so that the individual would be able to start working as opposed to waiting until the state issues the permanent card. J. Feld suggested a web interface for the registration that will allow them to print a receipt showing that the application has been completed. J. Schwartz stated online registration is not currently an option, as the ability to process payments online has not yet been put into place. J. Schwartz redirected the group back to the issue at hand, which is the 90-day allowance for trainees. S. Smith motion to accept as amended; F. Benn second; 16 yes, 2 abstain; motion carried by majority vote.

Section 926—F. Benn proposes to allow unlimited supervised apprentices and trainees under the certified sprinkler fitter. He feels the current ratio of 1-2-1 is unrealistic. F. Benn motion to change language to "certified sprinkler fitter must be onsite to supervise" rather than the current ratio language; J. Thacker second. B. Weidman stated that if the language is changed, then the heading for this section must be changed as well. The current heading is "maximum number of directly supervised employees"; the proposed

language would no longer limit the number of employees, and therefore, the “maximum number” is no longer applicable to this section. R. Roxson reminded the group that this was discussed at length in the workgroup and that this is the ratio that was agreed upon. He stated that the workgroup felt identifying a ratio as part of the regulations was very important. He feels that by not limiting the number of employees that the certified fitter can supervise is taking away from the benefit of this regulation. F. Benn feels that the ratio limits the ability for the industry to grow by limiting the number of apprentices and trainees the certified sprinkler fitter can supervise. He feels by allowing no limits on the required supervision portion he will be better able to meet the needs of his customers.

S. Smith stated he just gave an entrance exam to 400 applicants, of which 275 passed, so he feels there are plenty of people looking to get into the industry, and staffing should not be too much of a challenge. F. Benn stated that if you have a company who loses their journeyman you now have trainees that you cannot put on the job without anyone to supervise them. T. McKinnon agrees to the extent that he believes a journeyman can supervise more people. J. McLaughlin feels that by allowing an unlimited number of people that the certified fitter can supervise is irresponsible and should not be done. He feels you must quantify the number of people that one person can supervise. T. McKinnon agrees that the ratio should be revisited, but does not feel that “unlimited” should be an option. S. Smith explained that the current ratio is based on the current state approved apprenticeship standards, but is actually more lenient than the current apprenticeship program standard. T. McKinnon asked F. Benn what his new proposed ratio would be. F. Benn replied that he does not know the exact number, but feels that the current ratio is not acceptable. T. McKinnon asked if he could operate on a 5-1 basis. F. Benn again stated that he does not know the ideal number. T. McKinnon stated the CAFSA standard ratio is 1-1. He stated that once the ratio in this regulation is established, CAFSA will adjust their standards to reflect the regulation ratio. He again asked F. Benn what ratio he would suggest. F. Benn stated he is open to suggestions from the group, but he feels the ratio needs to be adjusted. Both F. Benn and T. McKinnon agree that if the ratio is too restrictive, some companies in the industry will just ignore the regulation and pay the fines as opposed to operating within the allowances of the regulations. They both agree that the ratio needs to be adjusted. F. Benn feels that in his business, he could operate with a 5-1 ratio, as suggested by T. McKinnon. F. Benn amends motion to reflect the suggested ratio of 5-1; J. Feld doesn’t feel that is a reasonable ratio for a new journeyman. T. McKinnon suggests 1 certified sprinkler fitter to 4 apprentices/trainees. J. Feld suggests 1 journeyman, 3 apprentices and 2 trainees. D. Hefley makes competing motion to change language to “1 journeyman, 3 apprentices, 2 trainees”. T. McKinnon seconds competing motion; R. Roxson pointed out that there is already an existing standard of 1-1 and 1-2. He feels that the proposed ratio will not meet the standard level of safety/care established previously by the State of California apprenticeship program standards. S. Fox feels the current discussion is catering to one person’s business model rather than a whole state training model. T. McKinnon reiterated that he feels a 5-1 ratio is acceptable. S. Smith feels that by “watering down” the standard it will give an unfair advantage to certain contractors. He stated that the ratio that is now included (1-2-1) was discussed at length and vetted during the workgroup sessions and does not feel that the ratio change should be permitted. R. Dysart feels that since regulations are reviewed regularly, it is feasible that after five years, if it is determined that the ratio needs to be revisited or adjusted, it could be addressed at that time. R. Rowe stated that the workgroup already established the ratio they felt was acceptable and reasonable. He doesn’t understand why changing the ratio is even being considered. F. Benn stated he was not invited to participate in the workgroup so he was not able to present his concerns and opinions previously. J. Schwartz directed the group back to the competing motion that is on the table. This

motion is for the 5-1 ratio (1 journeyman, 3 apprentices, 2 trainees). Vote taken; 11 yes, 6 no, 1 abstain; motion carried by majority vote. F. Benn withdrew his motion for “unlimited” language.

Section 927—J. Feld would like to add “and Section 931”. J. McLaughlin motion to approve as amended; D. Hefley second; 16 yes, 2 abstain; motion carried by majority vote.

Section 928—S. Smith motion to change “reasonable manner” to “48 hours”. R. Roxson second; J. Carver proposed to change to “72 hours” rather than 48. T. McKinnon noted the word “complied” should be changed to “corrected”. S. Smith approves the amendment, R. Roxson approves amendment; 17 yes, 1 abstain; motion carried by majority vote.

Section 929—R. Roxson motion to approve as written; L. Shulman second; F. Benn stated he felt this section does not allow for the corrective action to be performed since a stop work order would be issued. B. Weidman clarified that a stop work order only means that progressive work cannot be continued until all corrections have been made; it does not prevent anyone from conducting corrective work. Vote taken: 16 yes, 2 abstain; motion carried by majority vote.

Section 931—J. Feld motion to remove “knowingly or willfully” from subsection (d); R. Rowe second; 16 yes, 2 abstain; motion carried by majority vote.

Section 932—D. Hefley motion to approve as written; R. Roxson second; 15 yes, 3 abstain; motion carried by majority vote.

Section 938—D. Hefley motion to accept as written; J. McLaughlin second; 16 yes, 2 abstain; motion carried by majority vote.

Section 934—S. Smith motion to add “The employer shall notify OSFM within 72 hours from date of hire of a new trainee”; T. McKinnon second; 16 yes, 2 abstain; motion carried by majority vote.

J. Thacker asked whether the certification/registration cards will have photos. J. Schwartz confirmed that the cards will have photos. He stated the cards will be similar to the fire extinguisher ID cards.

Sections 939 and 940—J. McLaughlin motion to approve as written; R. Roxson second; 14 yes, 4 abstain; motion carried by majority vote.

Sections 942 and 943—D. Hefley motion to approve as written; R. Roxson second; 15 yes, 3 abstain; motion carried by majority vote.

Section 944—J. Carver motion to add “alteration or fraudulent use of the card is prohibited”; D. Hefley second; 15 yes, 3 abstain; motion carried by majority vote.

Section 946—R. Roxson motion to approve as written; A. Quirk second; 15 yes, 3 abstain; motion carried by majority vote.

Section 949—J. Carver motion to approve as written; J. Feld asked how many hours equal 1 years' experience. T. McKinnon stated that for the purpose of benefits in California it is 2080 hours. He feels this is an achievable number within one year. J. Feld asked for clarification; if the trainee works 7000 hours in three years and in the additional two years only works 5 hours then he meets the hourly requirement, is this correct? T. McKinnon confirmed that is correct. But he will still be required to get eight hours of continuing education and pass the certification exam. T. McKinnon second; 15 yes, 3 abstain; motion carried by majority vote.

J. Carver motion to forward to SFM with today's amendments for adoption; R. Roxson second; J. Carver amended motion to include J. Feld's list as the definition for Water-Based Fire Protection Systems, removing the NFPA references. R. Roxson accepts the amended motion; vote taken: 16 yes, 2 abstain; motion carried by majority vote.

OPEN FORUM

There were no items presented for discussion

NEXT MEETING

The next meeting will be on August 26, 2015 at 10:00 A.M. in El Segundo at the El Segundo Fire Department, Station 2, Training Room. Meeting adjourned at 4:00 P.M.